Bihar Judicial Service (Mains) 2018

Law of Evidence and Procedure · compulsory paper

Time: 3 hours · Full marks: 150

Answer six questions, taking two from Group A, Two from Group B and one each from Group C and Group D

Group A

1. (a) Explain the meaning of the following: (15 Marks)
(i) Res sub judice
(ii) Interlocutory order
(b) What is res judicata? In what circumstances the principle may be applied? (15 Marks)

2. (a) Explain the essential conditions relating to jurisdiction of civil courts. (15 Marks)
(b) A, residing in Delhi, publishes in Calcutta statements defamatory of B. In which place B can file a suit? Explain with relevant provisions. (15 Marks)

3. (a) Explain the essential elements of a decree and also examine the classes (types) of decree with illustrations. (15 Marks)
(b) Write notes on the following: (10 Marks)
(i) Plaint and written statement
(ii) Frame of suit

Group B

4. (a) Comparatively examine the doctrine of res gestae with provisions of Indian Evidence Act.
(b) Write notes on the following: (10 Marks)(15 Marks)
(i) Plea of alibi
(ii) Fact in issue

5. (a) Explain confession. How much of information received from accused may be proved? Discuss.
(b) Explain the circumstances under which previous judgements are relevant. (10 Marks)(15 Marks)

6. (a) Write notes on the following: (15 Marks)
(i) When is opinion of third person relevant
(ii) Primary and secondary evidence
(b) Explain the meaning of burden of proof. On whom burden of proof lies? Comment. (10 Marks)

Group C

7. (a) Write notes on the following: (10 Marks)
(i) Arbitration Agreement
(ii) Settlement Agreement
(b) Explain the procedures relating to appointment of arbitrators. (10 Marks)

8. (a) Explain the provisions for setting aside arbitral award. (10 Marks)
(b) Write notes on the following: (10 Marks)
(i) Role of conciliator
(ii) Application of Limitation Act, 1963 on arbitration.

Group D

9. (a) Under what circumstances police may arrest any person without warrant? Explain. (10 Marks)

(b) Examine the procedure of arrest and the duties of officer making arrest. (10 Marks)

10. (a) "For every distinct offence, of which any person is accused, there shall be separate charge, and every such charge shall be tried separately." Explain. Are there any exceptions to this rule? Discuss.

(b) Write notes on the following: (10 Marks)(10 Marks)

(i) When bail may be taken in case of non-bailable offence

(ii) Inherent Powers of High Court

De Facto IAS